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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-657 MMC
)	
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING AND
CARMINA DANICA SANTOS,)	EXCLUDING TIME FROM APRIL 26,
)	2006 TO MAY 10, 2006 FROM THE
Defendant.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Court on April 5, 2006. At that time, the Court scheduled a trial setting or change of plea hearing for April 26, 2006, at 2:30 p.m., and excluded time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from April 5, 2006 to April 26, 2006.

The parties have agreed as follows:

1. Although the parties have reached a plea agreement in principle, the plea agreement has not yet been finalized, and is not likely to be finalized in time for the hearing on April 26, 2006. In addition, as alluded to at the April 5, 2006 appearance, there remains some electronic discovery (audio files of the Defendant) that the government has not yet been able to produce in a readable format, and the Defendant wishes to review those files before giving final approval to

the plea agreement. The parties thus stipulate to vacate and continue the April 26, 2006 hearing date, with a new date of Wednesday, May 10, 2006 at 2:30 p.m. for change of plea (or status hearing if the audio files have not yet been produced or reviewed).

2. The parties have also agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the need for production and review of the final discovery, as well as the need to finalize the plea agreement. Failure to grant the requested continuance would also deny the defendant continuity of counsel.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from April 26, 2006 to May 10, 2006, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from April 26, 2006 to May 10, 2006, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

5. The parties will appear at a trial setting or change of plea or status hearing on May 10, 2006 at 2:30 p.m.

IT IS SO STIPULATED.

DATED: _____


/s/
TRACIE L. BROWN
Assistant United States Attorney

DATED: _____

/s/
RONALD TYLER
Attorney for Carmina Danica Santos

IT IS SO ORDERED.

DATED: April 25, 2006


THE HON. MAXINE M. CHESNEY
United States District Judge